

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH FLORES,

Plaintiff,

v.

No. CV 09-1153 BB/GBW

DONALD DORSEY, LAWRENCE
JARAMILLO, and MARY ORTEGA

Defendants.

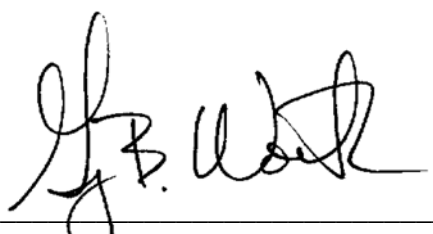
ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. On June 28, 2010, Defendants filed their *Martinez* Report with the Court and mailed a copy to Plaintiff. *Doc. 15*. On July 12, 2010, Plaintiff filed a letter with the Court stating he had not yet received a copy of the report and expressing concern about his ability to meet the impending response deadline. *Doc. 16*. The envelope used to carry Plaintiff's letter bore a return address for Plaintiff that differed from the one on file with the Court. *See id.* On July 16, 2010, the Court construed Plaintiff's letter as a motion for an extension of time to respond, granted it, and ordered the clerk's office to mail a copy of the *Martinez* Report to the return address on Plaintiff's envelope. *Doc. 17*. By virtue of that order, Plaintiff had until August 16, 2010 to respond to the report and the order was mailed to both of Plaintiff's addresses. *Id.* On July 23, 2010, the Court received confirmation that the *Martinez* Report sent to Plaintiff from the Court via certified

mail had been received. *Doc. 18.*

Plaintiff, however, has still not filed his response to the *Martinez* Report. Under our Local Rules “[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.” Local Rule 7.1(b). Moreover, Plaintiff’s failure to abide by the deadline ordered by the Court indicates a lack of interest in litigating his claims. *See Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). The Court will require Plaintiff to show cause why his complaint should not be dismissed.

IT IS THEREFORE ORDERED that, within twenty-one (21) days from entry of this order, Plaintiff shall file a response showing cause, if any, why his complaint should not be dismissed; a copy of this order shall be sent to Plaintiff at both of the addresses used for the order at *doc. 17.*



UNITED STATES MAGISTRATE JUDGE